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## TAUNTON PLANNING BOARD MINUTES

Meeting held at 15 Summer Street

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DATE: September 2, 2021

BOARD MEMBERS:     Anthony Abreau, Chairman             Arthur Lopes  
                             Bob Campbell, Vice Chairman         John Reardon  
                             Manuel Spencer, Clerk             Dennis I. Ackerman  
                             Brian Carr

ADVISORS:

Michael Patneaude, City Engineer  
Kevin Scanlon, City Planner

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Roll Call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell present.  
Meeting opens at 5: 30 PM

**Arthur made motion to accept of minutes Aug. 5, 2021, seconded by Manny. All in favor**

**Cont'd. Public Hearing – 19 Ingell St. - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for the division of lot into two lots with a Special Permit for a triplex on each lot (total 6 units)**

Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell present. Hearing opens at 5:30 PM  
Dept. comments from B.O.H., City Planner, Veolia water, Conservation Commission, Water, and City Engineer were read into the record and placed on file. Atty. William Rounds, Tracey Duarte, P.E. MBL Land Dev. And Mike Binda were invited into the enclosure. They were originally proposed 2 triplex dwellings but there was concerns from city dept. and they changed to duplex on one lot and triplex on other lot. They will put a new driveway to avoid the utility pole. They will be adding more compensatory storage that what is required. They need a Special Permit for a triplex on lot A. Duplex on both lots is allowed by right under the zoning. Atty. Rounds stated if they put 2 duplexes by right this Board will not have any say in how the land is developed. Brian stated he talked to the Conservation Agent and her opinion is a triplex is too much for this property. He had concerns with too much density that will create water issues. He has to take careful consideration because there is potential flooding issue. He wants to make sure buyers are aware of the concerns relative to flooding. Tracy stated they will be placing slab on grade. She stated they will file a letter of amendment and it could be taken off the Flood map and then flood insurance will not be required. Dennis stated the plans have been reduces to duplex and one triplex. The proposed duplex is closest to County Street. Tracy stated the Order of Condition from Conservation approves 2 duplexes. Manny stated he's aware the developer wants to make money developing his land. Manny suggests perhaps having one 5 unit building. It was noted that would require council approval. Manny suggests trying to get out of the conservation area. Tracy stated the entire building out of the flood zone. It was stated a 5 unit building is a different type of housing. Mike stated the size of the duplex house has been reduced and they have plenty of parking. Brian asked how many bedrooms? It was answered 3 bedrooms each. The proposed building size is 31 feet in length by 20 feet wide. Bob asked what is the ground elevation where it touches the building and it was answered 12. He suggests reducing the building to keep it above elevation 13. Tracy answers they could raise it to 13. Public Input: No one in favor or opposed. Atty. Rounds has one question about the department comments in relative to moving the electric manhole? Brian asked if they needed to go back to

the Conservation Commission and it was answered yes. He felt they should go to them first and the P.B. last. Manny agrees with Brian they should go to Conservation first. He has some reservations and he's very hesitant to vote for this. John also agree with Brian and Manny about going to Conservation first.

**Dennis made motion to continue this to November meeting to allow them to Conservation Commission, seconded by Arthur.**

**Vote:**

**Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes**

**Abreau absent**

**Petition continued to November 4<sup>th</sup>.**

**Public Hearing – 27 Blinn's Court – Form J – Waiver of Frontage Requirements – to divide one lot into two lots – submitted by Mike Binda**

Hearing opens at 6:04 PM. Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell present. Department comments from B.O.H., City Engineer, Conservation Commission, City Planner were read into the record and placed on file. John DeSousa, NorthCounty Group, and Mike Binda were invited into the enclosure. The applicant received a variance from ZBA and met with neighbors and thought he had addressed all the concerns. They filed a notice of Intent with Conservation Commission and was denied but has appealed with DEP and waiting for site visit with DEP. The lot in front required no variances and the "estates lot" in back has 25.2 feet of frontage. The access point crosses over a small wetland area and they are working with neighbors to keep the trees that is along the property line. They will move the driveway from the access and utility easement. Dennis stated the ZBA wanted them to save the tree and it was approved that way. The property is in the urban residential district which allows single or duplex by right and it's more beneficial to have 2 single family houses. Manny asked how much frontage and it was answered the whole property has 125 feet of frontage and the lot 2 have 25 feet of frontage. He personally didn't walk the land but it looks like it would be perfect for a single family on each lot. Mike B. stated that the conservation agent recommended approval and it was denied and he has appealed it with the State. He's hoping DEP overturns the conservation's decision. Bob stated we need to determine if there is adequate access for the intended purpose. He suggests putting new culvert in and extend it to upper portion of lot 1 and have access easement. He also suggests moving the driveway away from the tree. Brian would like to see the final plans showing access and the culvert. John asked if the State can grant other relief other than what the Conservation Commission? John D. stated they could. Dennis stated the Form J process should be looked at because he thinks it a penalty to the developer to hire an engineer and lawyer and the possibly continue. Brian stated we are here to protect the City and he wants to make sure it's right for the neighbors. ZBA makes decision to make lots buildable by granting variances and then we determine if access is adequate. Bob stated we are within our jurisdiction because the driveway is crossing over a wetland and we want to ensure the neighborhood is adequately protected. Dennis stated the conservation commission made a decision and applicant is appealing. He thinks we are making it hard and he thinks we should expedite the building process and he has even talked to Kevin and the administration about it. Public Input: Brad Gonyer, 30 Blinn's Court has some concerns with the standing water on his property. He's not objecting to the project but wants to make sure no more water goes onto his property. The Conservation Commission denied the project. He said the neighbor at 25 Blinn's has concerns water runoff. He said it's down below from School Street. Bob said that has already been addressed and we have to make sure there is adequate access to the lot. Mr. Gonyer said the driveway is directly across from his driveway and he is concerned because the road is only 12 feet wide. It was suggested keeping public input open. Manny asked how they can assure their development won't affect the neighborhood?

**Brian made motion to continue to October 7<sup>th</sup> and submit plans showing driveway and culvert.  
Seconded by Arthur.**

**Vote:**

**Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes**

**Abreau absent**

**Petition continued to Oct. 7<sup>th</sup>**

**Public Hearing –Glebe St property I.D. .60-37 – Form J – Waiver of Frontage Requirements – for the division of one lot into three lots for property on Tremont Street, Property I.D. 60-37, submitted by Robert & Katherine Jacques**

Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell. Hearing opens at 6:40 PM

Atty. William Rounds and John DeSousa, NorthCounty Group were invited into the enclosure. The property has 18 acres of dryland and is very accessible. Petitioner received ZBA approval to divide the lot into 3 lots (originally wanted 4 lots but ZBA eliminated one lot). There will 2 lots off Glebe Street of which one will be a conforming lot. The other lot will be from Tremont Street. They will need to go to conservation commission for approval. There will be 3 single family homes on 46 acres. John D. stated there is a carpath located next to the wetlands so they will use that as access points to eliminate wetland crossings. Dennis stated the ZBA put restriction of no further development on the lots so the maximum amount of development will only be 3 houses. Brian stated several neighbors were in opposition at ZBA meeting and asked why? John D. stated one neighbor didn't like the location of the driveways. Dennis stated the location of the driveway and 2 houses on the Tremont Street side raised concerns for abutters at zba meeting. It was asked if they had plan showing driveway and it was answered no. John D. stated they will follow cart path. Public Input: No one in favor or opposed. Public input closed.

Manny said if approved there will be one access from Tremont Street and 2 accessing from Glebe Street.

**John D. says that's correct. He stated they will use existing cart path without disturbing the wetlands.**

**Dennis made motion, seconded by Brian to grant with the dept. comments and conditions:**

- 1. Add state plane coordinates to the found monuments to the plans.**
- 2. The applicant has a current Order of Resource Area Delineation issued by the Conservation Commission. All lots will require filing a Notice of Intent with the Commission.**
- 3 If municipal water and sewer is not available, the new lot would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulations, and private well.**

**Vote:**

**Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes**

**Abreau absent**

**Form J approved**

**Hearing closed at 6:52 PM**

**Public Hearing – 985 Glebe St. - Form J Plan – Waiver of Frontage Requirements – for the division of one lot into two lots on for 985 Glebe St., submitted by Dennis Berube**

Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell. Hearing opens at 6:53 PM

John DeSousa, NorthCounty Group and Dennis Berube were invited into the enclosure. John stated they are here tonight for Lot 1 need a waiver of frontage and Lot 2 is a conforming lot. They received ZBA approval and now they need P.B approval. The conservation commission approved the wetland line. The ZBA had no

cut zone along the wetlands and they will keep barn with the main house on Glebe Street. The access is the same for that lot. Brian stated according to the ZBA decision there were 3 abutters that had concerns and asked John what they were? John stated they were mainly concerned with the not cut zone and he doesn't know why one zba voted against it. Public Input: Yvette Hebert, 975 Glebe St. stated she's not so much against it but wanted to make sure more water won't be added to her property. John stated they will have roof drain and infiltrate the water. Bob suggests she go to the Conservation Commission meeting to make sure her interest is protected. Public input closed.

**Manny made motion, seconded by Arthur to approve the Form J with dept. comments & conditions:**

- 1. If municipal water and sewer is not available, the new lot would need to be able to construct an on-site septic system, with appropriate setback requirements and buffers in accordance with Title 5 regulations, and private well.**
- 2. This property has a current Order of Resource Area Delineation issued by the Conservation Commission. Any work on Lot 2 will require filing a Notice of Intent with the Commission**

**Vote:**

**Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes**

**Abreau absent**

**Form J approved**

**Hearing closed at 7:02 PM**

**Public Hearing – 110 North Walker Street - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for a two-family use in the Suburban Residential District at 110 North Walker St, submitted by Kathleen Campanirio**

Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell. Hearing opens at 7:08 PM. Dept. comments were from Historic District Commission, Veolia Water, TMLP, Conservation Commission, B.O.H., City Planner, City Engineer, and letter from Atty. Richard Burke representing Maureen Jenkins in opposition. Opposite petition signed by residents, 5 from North Walker Street. Kathleen Campanirio and Roger Nascimento were invited into the enclosure. Mrs. Campanirio explains how the modular home has been on the property for 42 years and was put there in 1979 for her parents to live close by. They have used an adjacent passageway to access it for 42 years. The neighbor, Janice Lawlor, who has since passed away has objections to us using the passage and placed barriers late at night. They sought a court injunction went to court for a judgment gives both parties, 106 & 110 North Walker St. rights to use the passage as well as the back land which is now conservation land. Mrs. Campanirio stated they used the passageway to access the rear of her property and put composite down and she has it mowed and picks up twigs, tried to make it safe. She stated the passageway is 25 feet wide but has a rock on the side and they attempted to shave the rock to make it safe and Mrs. Lawlor stood on the rock and then the police came. In 1980 they received a court order stating that all parties has rights to use passageway. She stated 106 North Walker Street uses the passageway for their access to property and in fact they had 4 vehicles today with one parked on the passageway. She stated a few conservation members were there today to make sure they have full access to the conservation land in back. During the previous ZBA hearing they received a phone call from their attorney stating if they will agree to stop using the passaged way they will give up the appeal. It was stated in 1979 the variance has a 5 year expiration and Roger asked the ZBA Chairman Marty Newfield about the restriction and he told Roger they placed that kind of condition in the event we have an issue but he told us "you should have no problem with that" In 2008 she tried to subdivide her lot so her husband and her could live in the single floor manufactured home but her husband has since passed away. They did receive ZBA approval to subdivide the lot but Janice Lawlor appealed and we won but they appealed that decision and they won. The proposal is for her ex-husband Roger to live in the manufactured home and upgrade it to the

current building code. It already has water, electric, cable and she replaced the roof about 6 years ago. She has been using the existing passage way. She stated you can't see the manufactured home from the street. Manny asked if they needed to use the passage way and she answered yes because she has a large septic system on her property and they can't put driveway in. She stated both parties have plowed the passageway and she does little maintenance on it. Kathy stated Roger wants to live in manufactured home and they have taken out building permit for minor repairs only to an accessory structure. Brian stated this is a tough decision with the legal issues between both parties. He's surprised something hasn't been worked out between neighbors. Kathy has reached out to Ms. Lawlor but she was not too friendly. Kathy stated when Ms. Lawlor's father fell she ran over to try and help being a nurse and she was kicked off the property. Kathy stated she has attempted to try and work it out but their day to day operations appears to be ok. She stated it's not a new activity. Roger is planning on living there by himself so there will be no added traffic. John pointed out in 1979 variance # 863 they granted approval with a 5 years limitation. He suggests converting her single family to a 2 family. She stated she can't do that because there no room because of the location of the septic system. She state both parties have a right to use the passageway. Dennis stated there is a problem with buildings that have time limits. He met with the Law Dept and talked to the City Planner about this. Dennis contacted Michele from Conservation and met with Steve Turner and few conservation commissioners about the conservation land in back. The proposal is to have her ex-husband live in the manufactured home so he can be close to his special needs son and Dennis commends their good relationship. Arthur stated he is aware of the property in back from 40 years ago when he used to hay the field for Dr. Thayer. It was noted the property has been surveyed and there is plenty of room. Public Input: No one in favor. Opposed: Atty. Richard Burke representing Maureen Jenkins, 106 N. Walker St who inherited the property of Janice Lawlor. He stated the property is not suitable for 2 buildings. In 1979 the ZBA granted a variance for a trailer to be on the property with a 5 years limitation. In 2008 the ZBA granted approval to subdivide the lot and Ms. Lawlor appealed and lost but she then appealed and ultimately won. The concern was safety. He submits photos and petition signed by residents opposed. It was noted there were about 6 abutters in opposition, all other signatures were not direct abutters, but resident s from all over Taunton. He stated if the Board allows for the passageway to be used by both parties it will create a safety issue. Janice Lawlor has been using this passageway as their access to their property for 80 years. The trailer was only supposed to be there between 1979 – 1984. In 2008 Mrs. Campanirio requested ZBA approval for a 2<sup>nd</sup> residence on the property in trying to divide the property into two lots. Atty. Burke pointed out this building is a non-residence and now they want to be able to use it every day for a residence. Brian asked when is the last time this was in court and Atty. Burke answers in 2013. Kathy stated in 1981 it was ruled by the court that they all had rights to the passage and ZBA request in 2008 was to divide the property. In all the 42 years they been using the passageway they have never has an accident John asked if they plan on adding on to the mobile home and it was answered they did add on a sunroom. John asked if a fire truck or ambulance can get down and it was answered they could to through N. Walker St. Roger stated if the rock is so unsafe as the oppositions claims we can shave it or cut it. Dennis suggests continuing and refer to law dept. and fire dept. seconded by John Dennis made motion to continue. Motion did not pass. 4 member opposed. Vice Chairman Campbell rejects the argument that it will be a safety issue. It has been in operation all these years. He said they are here tonight for a Special Permit to make the legal use for the manufactured home to be a legal residence. He stated a number of parties have the right to use the passageway and the applicant would like to fix up the building on their lot.

**Brian made motion to grant the Special Permit with the dept. comments, seconded by Arthur**

**Condition #1) All dwellings must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II. If the dwellings are serviced by an on-site septic system, and additional bedrooms are to be added, the current system may need to be upgraded to handle the additional flow.**

**Vote: Campbell, Spencer, Lopes, Ackerman, Carr. Yes**

**Reardon.....No**

**Abreau.....Absent**

**Special Permit granted**

**Hearing closed at 8:07 PM**

**Public Hearing -104 Dean Street- Special permit/Site Plan Review - to allow a change of use from all commercial/office building to a mixed use building consisting of 4 residential units (4,000 sq. ft.) and 16,644 of commercial/office space , submitted by Donald Emond.**

Roll call: Ackerman, Reardon, Spencer, Lopes, Carr and Campbell. Hearing opens at 8:16 PM

Dept. comments from the DIRB, Water Dept., Engineer, Veolia Water, Conservation Commission, and Fire Dept. which were placed on file. Olivia Emond and Jen Henney were invited into the enclosure. They are proposing 4 residential apartments (totaling 4,000 sq. ft) to the existing commercial building which has 16,644 sq. ft of office & commercial space. They have had no luck in securing any tenants and thinks using the second floor for residential might be marketable. Dennis asked if the Retirement Board is staying and it was answered yes. He complimented the good job Emond Plumbing did over on Winthrop Street cleaning up the former bowling alley site. They are an asset to the City. Brian stated this is an easy project. Manny agrees and he has no issues with the proposal. Public Input: No one in favor or opposed.

**Motion made and seconded to grant the Special Permit/Site Plan Review with the dept. comments.**

**Condition #1) That the plans dated July 23, 2021 shall govern with the following additional conditions;**

**Condition #2) Lighting shall not illuminate any portion of abutting properties**

**Condition #3) The site shall be kept clean and clear of debris**

**Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc**

**Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit**

**Condition #6) An 81X plan shall be recorded with a confirmatory deed to combine the two parcels prior to building permit.**

**Condition #7) ADA handicap spaces shall be striped and signed according to AAB and ADA requirements which includes signs permanently installed in the ground at the proper height. This shall be completed prior to building permit**

**Condition #8) Dumpster shall be located on a concrete pad, be enclosed with a 6 ft stockade fence, be kept closed at all times and be emptied regularly**

**Condition #9) Show all the egress points on the plan**

**Condition #10) Show the sign in the rear on the plan**

**Condition #11) The vegetative gap on the westerly sideline shall be filled in.**

**Condition #12) DPW permits are required including city licensed contractor, road opening and trench permits**

**Condition #13) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling**

**Condition #14) An assessment of the existing sewer system needs to be done to determine if the utilities can handle the increase in flow.**

Condition 15) If the residential units are intended to remain under the existing building ownership, then individual services aren't required.

Condition #16) Veolia Water recommends a CCTV inspection to the main sewer for any structural defects. This project will be subject to the City of Taunton Sanitary Sewer Standards and Specifications.

Vote:

Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes

Abreau absent

Special Permit/Site Plan Review Granted

Hearing closed at 8:24 PM

**Public Hearing- 175 So. Walker St. - Special Permit/Site Plan Review - from Section 440 Attachment #1 of the Zoning Ordinance for the construction of two mixed use buildings - Bldg. #1 having 14 residential units & 3,400 sq. ft. commercial space and Bldg.. #2 having 17 residential units with 2,000 sq. ft. commercial use, Submitted by 175 South Walker Street, LLC,**

Request for continuance to November meeting.

Motion made and seconded to grant continuance to November 4<sup>th</sup> meeting. All in favor

Vote:

Campbell, Carr, Reardon, Lopes, Spencer, Ackerman .....Yes

Abreau absent

Petition continued to November 4<sup>th</sup>

**Public Meeting – 44 Dean St. & map 55, lot 756, map 55, lot 57 and portion of map 55, lot 758, - Site Plan Review - to allow the construction 23 residential condominiums and 1,423 sq. ft. Office Use submitted by Hyperion Holdings LLC/Innovative Investments Corp.**

Atty. William Rounds and Mike Amaral and David Santos, Prime Engineering were invited into the enclosure. Dept comments were read into the record from DIRB, Fire Dept., City Engineer, Water Dept, Veolia Water, TMLP, and Conservation Commission. The original approval was for a 36 unit condo development but now they are changing that because they are keeping the historical house in front. The previous owner went before the Historic District Commission for permission to raze the historical house and did not receive approval. Mr. Amaral purchased the property purchased the property and has been working with the Historic District with plans on keeping the house and making it offices and apartment above. Brian said the first time this came to the Board we would like to see all the issues resolved before he makes a decision asked if there are monitoring wells there and Mike answered they have been removed. The contamination was on other property. He stated the issued raised in the City Engineer's letter has been addressed with the updated plans Mike pointed out this Board issued a Site Plan Review decision in 2020 for a 36 unit condo development and he is now proposing less units. He has spent about \$200,000 to save the building in front and about 6 months of time. He is going to make it look nice. The water table is 12 and he is proposing slab no basements. He has a real estate business in the city and will re-locate to this location and occupy the building in front. He is proposing 3 level townhomes with private trash pickup. David said the proposed wooded buffer will have stockade fence and is showing a 50% reduction. Bob pointed out the MBTA will have an active freight line and he suggests not waiving the reduction of landscaping on that side. Mr. Amaral was ok with that because he also purchased a piece of land the along that side. Dennis stated the ZBA issued a variance for 27 or 28 units and then the zoning changed and it went back to 23 units. The Council changed the zoning to transient oriented district. Manny welcomed Mr. Amaral and stated this board denied the previous approval and the Council overruled it and approved it. Manny's concerns is traffic and access from this lot. More specifically the trouble with taking a left turn out of the property. He asked about

the 21E and it there was any more cross contamination. Mr. Amaral stated he hired an engineer and was given a clean 21E Manny stated there is a restriction for no digging. Mr. Amaral stated he has no restrictions and it's his choice to do slabs. He was concerned because he hired an engineer and received a clean 21 E. He has been working with Mass. DOT to make the entrance a littler wide and is ok with a restriction of "right turn only" when exiting. Mr. Amaral stated he is taking his long time tenant with him to occupy the historic building for his real estate office. This will be a 7 million dollar investment. Public Input: No one in favor or opposed.

**Dennis made motion, seconded by John to approve the Site Plan Review with the dept. comments and following conditions:**

**Condition #1) That the plans dated May 13, 2021 and revised through September 1, 2021 shall govern with the following additional conditions:**

**Condition #2) Lighting shall not illuminate any portion of abutting properties.**

**Condition #3) The site shall be kept clean and clear of debris.**

**Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating that the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc.**

**Condition #5) Two sets of updated plans shall be provided that conform to this decision prior to Building permit issuance.**

**Condition #6) Project shall comply with the Order of Conditions from the Conservation Commission.**

**Condition #7) An 81X plan shall be recorded with a confirmatory deed to combine the parcels prior to building permit issuance.**

**Condition #8) There shall be no dumpsters allowed on the site.**

**Condition #9) Pavement markings (22' minimum aisle width) and signage shall be added, including those to delineate the one-way mail box area route.**

**Condition #10) The new structures shall be constructed on slabs, not over full basements.**

**Condition #11) Bituminous berms a shall be constructed along the asphalt edges interior to the site.**

**Condition #12) A copy of the MassDOT-Highway curb cut permit shall be provided for any building permit other than a foundation permit. This permit usually requires long lead time.**

**Condition #13) The sewer lines sizes shall be shown on the plans, and payment of the City's Infiltration /Inflow removal fee will be required.**

**Condition #14) A landscaped plan conforming to section 440-702 of the zoning ordinance shall be provided. A 50% waiver of the landscaping requirements is granted as shown on the plans EXCLUDING the westerly property line along the railroad tracks, where the vegetation shall be planted so not to overlap the property lines.**

**Condition #15) The proposed rip rap retaining wall shall be omitted.**

**Condition #16) DPW permits are required including city licensed contractor, road opening and trench permits.**

**Condition #17) DPW specifications shall apply including backflow devices, pressure testing, materials, installation, a new water meter with an updated radio frequency unit, inspection and approval and prior notice is required before any city water work is to be performed and inspections are required prior to backfilling.**

**Condition #18) Any changes to the plans on file with the Historic District Commission will require approval from the Commission.**

**Condition #20) The project is subject to the City of Taunton sanitary sewer standards and specifications.**

**Condition #21) Egress from the site driveway shall be right-turn-only.**

**Condition#22) Submit a copy of the 21E Certificate to the Planning office for record.**

**Vote:**

**Campbell, Carr, Lopes, Reardon, Ackerman, Spencer. .Yes**

**Abreau .....Absent**

**Site Plan Review granted**



**Public Meeting – Fremont St, property I.D. 30-97 - A Site Plan Review for the construction of an 8,000 sq. ft. warehouse building with 11 parking spaces on Fremont Street, Map 30, Lot 97 submitted by Future Fuel LLC**

Request for a continuance. Brian asked the Board if they would consider continuing to November as he may not be here in October. But if not he will change plans.

**Motion made and seconded to grant continuance to November 4<sup>th</sup> meeting.**

**Vote:**

**Campbell, Carr, Lopes, Reardon, Ackerman, Spencer. .Yes**

**Abreau .....Absent**

**Petition continued to Nov. 4<sup>th</sup>.**

**491 W. Water Street – Special Permit - for a conversion of the existing space (46,355 Sq. ft. ) and eventually construct an addition to the existing building totaling 100,000 sq. ft. for the use as a marijuana establishment for cultivation, manufacturing, and transportation and deliver of cannabis and cannabis product, submitted by Kyra Fernandes, Mgt. HTC Trinity LLC, owned by TGN Prop. LLC – Need to forward a recommendation to the Municipal Council**

Dept. comments from Conservation Commission, TMLP, City Engineer, B.O.H, Water Dept., City Planner, and Veolia Water were read into the record and placed on file.

John DeSousa, NorthCounty Group and Kyra Fernandes, Mgt. HTC Trinity LLC were invited into the enclosure. This will be re-development project so they will not have to fully meet stormwater management. They are introducing a lot of green space which will be much better that what exists. They will treat the stormwater before it goes into the Cobb brook once it goes into the parking area and routed deep into the stormceptor. This will eliminate the TSS now they have zero TSS removal and after this project it will have 85% which is a big improvement. They will clean up entire site and maintain it. They will look at the structure to see its safe enough and if not they will improve the culvert. Bob asked about the finished floor elevation and suggests adding 1.24 feet to floor. John stated he whole building will be outside the flood zone coastal storm flowerage. They would not have to provide compensatory storage. Bob thinks you would need flood insurance because the elevation is 12 and top of slab is 13.4. Maybe they could add fill around it so it won't flood. They can do a letter of map amendment based on the fill. There will be no sales or delivery truck. Manny asked if petitioner is buying property and it was answered yes. Brian asked about security. The site will be fully fenced in with razor wire on top, cameras inside and outside. Keypad to enter and gate will open and automatically shut. Bob pointed out you are just a little over the parking requirements. It was pointed out there will be bike path along W. Water St. and they need to conform to the corner lot ordinance relative to fencing at W. Water & Fifth Street end. Ms. Fernandes says the site will be cleaned up and looks much better. Bob stated the Board need to forward a recommendation to the municipal council for their public hearing.

**Manny made motion to forward a positive recommendation along with dept. comments to the Municipal Council. Seconded by Arthur.**

**Vote:**

**Ackerman, Spencer, Carr, Reardon, Lopes, Campbell.....Yes**

**Stanley Avenue – Roadway Improvement Plan - request for continuance**  
**Request for continuance granted.**

**Campbell, Spencer, Lopes, Reardon, Carr, Ackerman....Yes**

**Petition continued.**

### **Fuller estates – Request for reduction of surety**

Dept. comments from the City Planner, GPI outside consultant, Water Dept., City Engineer B.O.H, Conservation were placed on file. John Garanito was invited into the enclosure. He stated in addition to the \$81,000 of surety the City also has a \$102,780.00 bond.

**Manny made motion to reduce the surety to a balance of \$19,200 and release the remaining to Hawthorne Development include cancelling the \$102,780 bond. Seconded by Arthur. All in favor.**

### **295 Broadway – letter from Atty. Patrick Sullivan - questions regarding approval**

Atty. Patrick Sullivan, Eric Dias, PE. and Kevin Patel were invited into the enclosure. Atty. Sullivan states the sewer line goes through 289 Broadway to serve 295 Broadway and they have been trying to get an easement but have been unsuccessful. They would like to see how the Board feels about waiving the condition since the sewer has been there since 2001 but doesn't have an easement. Bob says they have the ability to use it and he wonders why they aren't they providing an easement? Mr. Patel stated he has conversation with them and it's taking a very long time. It appears they were unaware they had sewer, it has changed hands recently and they've run into a dead end. The site has to be serviced by sewer and if you can't get an easement then you would need to put your own sewer in. Bob says the sewer is private until it gets to Broadway. Manny suggests trying to negotiate with him. Brian asked if there is any case law that covers this? Atty. Sullivan says he is not looking to get a court order but the facts suggests it's been going on for 20 years. In December 2001 Tom Pilling from TriStar put sewer in. Eric stated the sewer is not on 289 Broadway it go over that property. The Site Plan Review decision states either get easement or you must provide your own service. Atty. Sullivan asks if the Board would consider amending the condition to read the applicant has to ensure there is adequate sewer services the property. The Board thought this was a legal issues and suggests requesting an opinion from the law dept. Dennis asked how was it put in and it was stated it was done in 2001 by TriStar. Bob stated the conditions states obtain easement or find some other way of putting sewer in. It was suggested holding the certificate of occupancy for building until they get this resolved. Bob pointed out the Building official cannot hold back a certificate of occupancy for something other than building code issues. It was suggested having Atty. Sullivan reach out to the law dept. for guidance.

### **Letter from Atty. Correia – relative to 336 Winthrop St. & 716 County St. – relative to curb cut prior to bldg. permit condition.**

Atty. Correia wanted to speak to the Board about the 2 decisions that have conditions relative to having the MASS DOT curb cut prior to any building permit. She stated a foundation permit only has been issued for 336 Winthrop St. on Aug. 30<sup>th</sup>. She stated they filed for a curb cut with Mass DOT on Jun 7<sup>th</sup> and still have not received anything. Atty. Correia stated she think the reason for the delay is many workers are working from home so it's creating a huge halt in permits and making it difficult to developers obtaining approval. . They wanted to see if the Board could find it as a minor change and vote to issue a foundation & building permit but must get curb cut prior to occupancy permit. This will allow construction to continue without delay. Bruce Thomas stated all utilities are on site for 336 Winthrop St which is the former May Villa Restaurant. They are actually reducing the curb cut. Atty. Correia stated the developer could sign an affidavit which says they take full responsibility relative to the curb cut. Bob stated he thought this was for a foundation permit only and now they are requesting a building permit. Discussion took place relative to requesting a legal opinion from Law office to see if we could do this and if it set a precedent?

**Dennis made motion to allow a foundation permit only be issued for both sites and request a legal opinion from Law Dept. relative to issuance of a building permit (without occupancy) prior to receiving Mass. DOT approval for curb cut and if this would set a precedent, seconded by John, All in favor.**

**Meeting adjourned at 10:23 PM**